1908-040 Chancery Causes: James M. Weston vs. Asher Skidmore &c
Lee Co.

Smith, Helton, Mitchell

CH-Estate Dispute
T-Property

-Deed

To the Honerable H. A. W. Skeen, Judge of the Circuit Court for Lee County.

Humbly complaining, your complainant, James M. Weston, respectfully represent and show unto your honor that he is owned the and seized, with a parcel of a one-half interest of a certain lot or parcel of land at Hubbard Springs, Lee County, Va, containing one-fourth of an Acre more or less and is more particularly described in the deed, executed on the 20" day of October, 1902 by James M. Skidmore and wife to your Complainant. Said deed is here filed, marked (A) and asked to be treated as a part of this bill. This lot was originally conveyed by A. W. Noe and wife, W. M. Noe and wife to James Skidmore & Milton Skidmore. Your Complainant has purchased the interest of James Skidmore and the said Milton Skidmore and wife. On the _____ day of ____ 19___. Both departed this life, leaving Asher Skidmore, Gerusha Smith nee Skidmore, Mollie Helton nee Skidmore, Addie Mitchell nee Skidmore and Bertha Skidmore, children and heirs at law of James Skidmore, deceased. They are all infants under 21 years of age and are the owners of one-half undivided interest ~~x~~ of said lot aforesaid.

Your Complainant alleges that it is impracticable to partition said lot, that it will decrease its value to attempt to do the same, but that it should be sold, that it will be to the interest of the infants, Defendants, to have their interest in said lot sold. The prayer of your Complainant therefore, is, that the said Asher Skidmore, Gerusha Smith, Mollie Helton, Addie Mithcell and Bertha Skidmore be made parties, Defendant to this bill and answer the same, but not on oath, that being waived. That a proper guardian ad litum be appointed to answer for the Defendants the said infants. That said lot be decreed to be sold and the proceeds divided among those entitled thereto.

And your Complainant prays for all other and further relief generally, that the nature of this case may require or to equity seem meet. And he will ever pray &c.

m. G. Eely p. d.

This deed made this the 20" day of Oct. 1902, between James M. Skidmore and Rebecca Skidmore his wife, of Harlan County, Kentucky parties of the first part, and James M. Weston ofLee County Virginia, party of the second part; Witnesseth, that said parties of the first part for and in the consideration of the sum of Thirty dollars ($30), to them in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey to the party of the second part, his heirs and assigns forever, all their undivided one-half interest in a certain lot or parcel of land at Hubbard Springs in lee County Virginia, containing one-eight of one-fourth of an acre more or less, and bounded as follows, to-wit; Beginning at a stake or a rock south west corner of a lot reserved by A. W. Noe and brother for their own purposes, thence running westwardly 50 feet, thence N feet to the line of the right of way of the Louisville & Nashville Railroad, thence eastwardly 50 feet to a stake in the line of the said right of way thence S feet to the beginning, and the said lot to be regarded as lot number "1" on the main street of the town, and being the same lot conveyed by A. W. Noe and wife and W. M. Noe and wife to Milton Skidmore and James Skidmore, by deed dated June 16, 1891, and recorded in the Clerk's Office of the County Court for Lee County, Virginia, in deed book 39, page 301, and reference is hereby made to said deed for a more particular description of said lot of land, together with all the appurtenances to the said undivided interest in said lot of land belonging or in otherwise appertaining. To have and to hold the said undivided one-half interest in said lot of land, with its appurtenances aforesaid, unto the said James M. Weston his heirs and assigns forever. And the said parties of the first part hereby covenant with the said party of the second part, that they will warrant generally the said undivided one-half interest in the said lot of land hereby conveyed. Witness the following signatures and seals the day and year first above written.

James M. Skidmore (Seal)

Rebecca Skidmore (Seal)

Virginia, Lee County, to-wit;

I, B. M. Morgan, Clerk of the County Court for lee County, Virginia, do certify that James M. Skidmore and Re-becca Skidmore whose names are signed to the writing above bearing date on the 20th day of October 1902, have acknowledged the same before me, in my County aforesaid

Given under my hand this the 20th day of October 1902.

B. M. Morgan Clerk.

Virginia, Lee County to-wit;

In the office of the Clerk of the County Court for said County the 20th day of October 1902. This deed was presented, and together with the certificate thereto annexed, admitted to record.

Teste: B. M. Morgan Clerk.

(D.B. 39, p 307)

A copy,

Teste: H. C. T. Ewing, Clerk.

Copy

Fee 60¢

Costs:

Clerk	$3.98
Tax	1.50
Atty.	15.00
G.A.L.	5.00
Est.	5.00
	$30.48

J. M. Weston

vs { { Bill in Chancery

Asher Skidmore et al

J. M. Weston
June 20th 1908
$43.00

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 35.

In the Circuit Court for the County of Lee,

to-wit:

THE ANSWER OF Asher Skidmore, Gehusha Smith, Mollie Helton, Addie Michell, and Bertha Skidmore —

infants under the age of twenty-one years, by L. T. Hyatt guardian *ad litem*, assigned to defend them in this suit, to a bill of complaint exhibited against them and others in the Circuit Court for the County of Lee, by J. M. Weston ~~and others.~~

The respondent , reserving to themselves the benefit of all just exceptions to the said bill, for answer thereto, answering by said guardian *ad litem*, say that they are infants of tender years, and by reason of such disability are incapable of understanding, or of taking care of their rights and interests, they therefore commend the same to the protection of the court, and prays that no decree may be pronounced which will tend to their prejudice.

And having answered, the respondent pray to be hence dismissed with their reasonable costs, in this behalf expended; and they will ever pray, &c.

Guardian *ad litem.*

p. d.

County of Lee } ss.

This day, L. T. Hyatt, whose name is signed to the foregoing answer, personally appeared before me, M. T. Ely, Com. in Chy — and made oath that the statements made therein, so far as they depend upon his own knowledge, are true, and so far as they depend upon knowledge derived from others he believes them to be true.

Given under my hand, this 4th day of May — 1908

M. T. Ely
Com. in Chy for C. C. Lee Co

Form No. 35.

Asher Skidmore et al

adv.

ANSWER
OF
INFANT DEFENDANT.

J. M. Weston

Filed in open Court
& by leave This 4th day of May
4th, 1908.
W. C. T. Ewing,
Clerk.

W. A. T. Fee $3.50

J. M. Weston, Pltff
against } In Chancery
Asher Skidmore et als. Defts.

This cause came on this day to be heard upon the papers formerly read in the cause, the report of sale by M. H. Ely, Special Commissioner and was argued by Counsel.

On Consideration of which the Court doth approve and confirm said report and sale. And it appearing from said report that the purchaser has paid the whole of the purchase money, it is ordered that M. H. Ely who is appointed a Commissioner for the purpose, will make and execute to the purchaser a deed of special warranty to the lands bought by him in this cause and said deed being executed and filed in this cause, is approved and confirmed by the Court, and the same may be withdrawn for recordation. Said Commissioner will disburse the costs in his hands to the parties entitled thereto, and purchaser will pay him $5.00 for executing said deed. And the cause is stricken from the docket.

J. M. Weston
vs. {{ Decree Final
Asher Skidmore

Entered in C.O.B.
8. page 291 &c

Enter this

H A. W Sluey

Sept. 10th 1908

J. M. Weston, Plaintiff

vs.

In Chancery, Asher Skidmore et als, Defs.

This cause came on this day to be heard upon the bill of complaint, the answer of the infant Defendants by L. T. Hyatt, their guardian ad litum, filed in open Court, duly sworn to and generally replication thereto, and was argued by counsel, On consideration of which it appearing to the Court that it is impracticable to partition the lot described in said bill, and that it will be to the interest of the parties in interest to have the said lot sold as a whole, it is therefore adjudged, ordered and decreed that M. G. Ely, who is hereby appointed a Commissioner for the purpose, will advertise and sell the said lot described in said bill at the front door of the Court House of Lee County, after having advertised the same for 30 days by written notices, posted at the front door of the Court House and in the vicinity of the said land. He will make said sale on a credit of one and two years, except costs of suit and commission on the sale, which he will require to be paid, cash in hand and for the deferred payments he will take notes, payable to himself with good personal security and bearing interest from date. He will report his action to the next term of the Court and the cause is continued.

J. M. Weston
vs. Decree —
Asher Skidmore and others

Entered in C.O.B.
#8 page 364

Enter this

H. A. W. Sloane

May. 4th, 1908 —

To the Honorable H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia:

Your undersigned Commissioner, in the Chancery cause of J. M. Weston vs. Asher Skidmore and others, pending in your Honorous Court, begs to report that pursuant to a decree entered in said cause on the 4" day of May, 1908, he on the 20" day of June, 1908, sold the lot of land mentioned and described in said decree, at the front door of the Court House of Lee County to the highest and best bidder, after having advertised the same for 30 days. At said sale James M. Weston, being the highest and best bidder, at the price of $43.00, said purchaser paid to your Commissioner the entire purchase money.

Respectfully submitted.

W S Coley

Special Commissioner.

J. M. Wiston
vs - Report of sale -
Asher Skidmore et al

Filed Aug. 17, 1908.
H. G. Ewing,
Clerk.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon Asher Skidmore, Jemusha Smith, Mollie Skelton, Addie Mitchel & Bertha Skidmore, (all infants).

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the 3rd Monday in April, 1908, to answer a bill in chancery exhibited against them by James M. Wiston.

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the 20" day of April, 1908, and 132" year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk

_____, Clerk

James M. Weston

VS | SUBPŒNA IN CHANCERY

Asher Skidmore, et ab,

M. S. Ely, p. q.

To 2nd April Rules

Circuit Court

1908.